

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALLEN DUPREE GARRETT,

Plaintiff,

v.

DAVE YOST, *et al.*,

Defendants.

Case No. 2:24-cv-1642

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Chelsey M. Vascura

ORDER

On April 12, 2024, the Magistrate Judge issued an Order and Report and Recommendation (“R&R”) granting Plaintiff Allen Dupre Garrett’s request to proceed *in forma pauperis* (ECF No. 1). (R&R, ECF No. 3, PageID 162.) The Magistrate Judge also recommended, after performing the initial screen of the Complaint, that the Court dismiss this action for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2). (*Id.* at PageID 163, 65–66.) Mr. Garrett filed a “Second Legal Argument Brief” which the Court construes as an Objection to the R&R. (ECF No. 5.)

A litigant who is the subject of an adverse report and recommendation from a magistrate judge is entitled to *de novo* review of those portions of the report to which proper objections are made. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Mr. Garrett’s Objection does not respond to the R&R and comprises almost entirely of citations to various legal authorities without any additional factual allegations to support his claims. (*See* ECF No. 5.) Normally, a plaintiff waives any challenge to the district court’s

conclusions if their objections do not specifically address the magistrate judge's reasoning. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (explaining that the parties have "the duty to pinpoint those portions of the magistrate's report that the district court must specifically consider").

After considering Mr. Garrett's Objection on the merits and reviewing *de novo* this record as required by 28 U.S.C. §636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, the Court finds that Mr. Garrett's allegations do not state a plausible claim for relief. Mr. Garrett has identified no error in the Magistrate Judge's R&R.

Accordingly, Mr. Garrett's Objection is **OVERRULED**. (ECF No. 5.) The Report and Recommendation is **ADOPTED** and **AFFIRMED**. (ECF No. 3.) The motion to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**, but the action is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2). The Clerk is **DIRECTED** to **ENTER JUDGMENT** and close the case.

IT IS SO ORDERED.

6/10/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE